

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Smt. Urmita Datta (Sen), Member (J)

&amp; The Hon'ble P. Ramesh Kumar, Member (A)

Case No OA - 827 of 2014

Laxmi Harijan –Vs- The State of West Bengal &amp; Others.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>23</u> 03.02.2020</p>	<p><i>For the Applicant : Mr. M. Karim, Advocate.</i></p> <p><i>For the Respondents: Mr. D. Koley, Advocate.</i></p> <p><i>The instant application has been filed mainly challenging the impugned order dated 23.05.2014. As per the applicant, he had earlier approached this Tribunal for a direction upon the respondents to consider his case of regularisation and absorption at per with another lady in O.A. No. 356/2012, which was disposed of ex-parte on 07.06.2012 with a direction to the respondent no. 3 i.e. the present application of the impugned order as per Rules. However, the authority had rejected the claim of the applicant on the ground of not having authority / jurisdiction on the issue of regularisation and absorption.</i></p> <p><i>Though no reply has been filed, however, the counsel for the respondent has vehemently submitted that as the Officer-in-Charge, A.B.N. Seal College had no authority to take decision with regard to absorption or regularisation, he has rightly denied the prayer of the applicant on that ground. Therefore, he has prayed for dismissal of the instant application.</i></p>	

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	<p><i>We have heard both the parties and perused the records. It is noted that the Officer-in-Charge of A.B.N. Seal College, Cooch Behar vide his order dated 23.05.2014 had passed the following order:</i></p> <p><i><b>"The undersigned is of opinion that absorption and regularisation in Government services is purely policy matter and rests with the State Government and is beyond the jurisdiction of the undersigned.</b></i></p> <p><i><b>Hence, the prayer of the petitioner is hereby rejected."</b></i></p> <p><i>It is also noted that the O.A. No. 356/2012 was also disposed of ex-parte in absence of the counsel for the respondents with a direction to the respondent no. 3 to consider his case. However, the said respondent no. 3 had categorically stated that he has no authority to consider the case of the applicant as the issue of absorption or regularisation is the domain of the State Government and he being College authority cannot take any decision. It is also noted that it is not a case of the applicant that the said authority i.e. respondent no. 3 have the authority to take</i></p>	

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A.K.P.	<p><i>decision with regard to regularisation of the applicant. Therefore, in our considered opinion, he has rightly rejected the claim of the applicant not having any authority to consider the case of the applicant for regularisation or absorption. Accordingly, the O.A. is dismissed being devoid of merit.</i></p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER (A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	